

# **EXHIBIT 13**

**EEOC -vs- MANUFACTURERS AND TRADERS TRUST COMPANY**  
**Melissa Thompson on 11/01/2017**

MELISSA THOMPSON

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
BALTIMORE DIVISION

-----  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

- vs - Case No.  
1:16-cv-03180-ELH

MANUFACTURERS AND TRADERS TRUST COMPANY,  
d/b/a M&T BANK,

Defendant.

-----

Examination before trial of MELISSA  
THOMPSON, taken pursuant to the Federal Rules of  
Civil Procedure, at the Equal Employment  
Opportunity Commission, 6 Fountain Plaza,  
Suite 350, Buffalo, New York, on November 1, 2017,  
commencing at 10:07 a.m., before LORI K. BECK, CSR,  
RDR, CRR, Notary Public.

1 vacant for more than 90 days was considered  
2 protracted.

3 MS. GRAUMLICH: Objection, form.

4 BY MS. CHUKWU:

5 Q. Is that correct?

6 A. Yes.

7 Q. Do you have any understanding if that  
8 is currently still the practice on the recruiting  
9 side about filling positions as quickly as  
10 possible?

11 A. I do not.

12 Q. So after you -- I believe you testified  
13 that you were only in that role for about two to  
14 three years, correct?

15 A. Yes.

16 Q. What title did you have after manager  
17 of employment?

18 A. Corporate programs manager.

19 Q. And what is a corporate programs  
20 manager?

21 A. It is someone who's responsible for --  
22 well, responsible for the oversight and  
23 administration of programs that affect the bank  
24 throughout the -- or employees throughout the  
25 footprint.

1           So that would include programs such as  
2 workplace accommodations, workplace -- workforce  
3 restructure, alternative work arrangements, and  
4 previously the replacement process.

5           Q.    You said previously the replacement  
6 process?

7           A.    That's correct.

8           Q.    Why previously?

9           A.    I'm no longer responsible for that.

10          Q.    So you mean at that time you were, as a  
11 corporate manager, responsible for the replacement  
12 program?

13          A.    Yes.

14          Q.    So let's start with these  
15 accommodations.

16          A.    Yes, workplace accommodations.

17          Q.    What was M&T's practice with respect to  
18 workplace accommodations?

19           MS. GRAUMLICH: Objection, form.

20           BY MS. CHUKWU:

21          Q.    You can answer.

22          A.    And when you say what -- when you say  
23 what was, you mean -- what time frame are we  
24 looking at?

25          Q.    While you were a corporate manager,

1           A. We talk about it. It's a verbal  
2 discussion.

3           Q. How do you determine whether you need  
4 to go above that employee's head?

5           A. It's part of the interactive process,  
6 so in essence, part of the reason why the  
7 accommodations -- the workplace accommodations is  
8 managed centrally is because we want to make sure  
9 that in all parts of the footprint, that we're  
10 treating employees consistently.

11          So we may have one, you know, part of the  
12 footprint that does one thing and another part of  
13 the footprint that says, "Oh, yeah, no big deal.  
14 We can certainly accommodate that."

15          And so from my perspective, I have to see  
16 the full gamut. What I'm quickly able to determine  
17 is, well, it's working in one area, so it may be  
18 able to work in another area as well.

19          Q. So as a corporate manager, do you have  
20 the ability override a direct manager's decision as  
21 to whether or not to accommodate an employee?

22          A. Yes, I have done that in the past and  
23 on occasion.

24          Q. Have you ever experienced an M&T  
25 employee seeking an accommodation of a reassignment

1 to a different position?

2 A. Yes.

3 Q. In such instances, has that employee  
4 been granted that accommodation?

5 A. Trying to think specifically. Yes and  
6 no.

7 Q. Let's start with the yes, the instance  
8 where that employee was granted the accommodation  
9 of reassignment. Do you recall the circumstances?

10 A. Yes.

11 Q. What were they?

12 A. There was a comparable position that  
13 was available to that particular employee within  
14 the division that did not require that they -- I  
15 think in that case it was a lifting scenario --  
16 that did not require that they lift.

17 So we were able to transition them from that  
18 one position into another position.

19 Q. What do you mean by transition?

20 A. Basically place them in the other -- in  
21 a new role.

22 Q. Did that employee have to submit an  
23 application for that position?

24 A. Not in that -- not in that instance,  
25 no.

1           Q.     So if they didn't submit an  
2 application, does that mean they didn't compete for  
3 that position?

4           A.     That's correct.

5           Q.     Do you recall the division that that  
6 employee was in?

7           A.     No, I'm not sure. It could have been  
8 one of two, so no, I'm not sure.

9           Q.     How long ago was that?

10          A.     I'm not sure specifically.

11          Q.     Was it within the last year?

12          A.     Yes.

13          Q.     Do you recall if the direct manager in  
14 that instance was reluctant to accommodate that  
15 employee?

16          A.     No.

17          MS. GRAUMLICH: Objection to form. What  
18 direct manager are you talking about?

19          MS. CHUKWU: No speaking objections, Betty.

20          BY MS. CHUKWU:

21          Q.     Please.

22          A.     No, that was not the case in that  
23 particular instance.

24          Q.     Now, with respect to the instance --  
25 you mentioned that there was an example you could

1 BY MS. CHUKWU:

2 Q. You mentioned the replacement program.

3 A. Yes.

4 Q. Is that -- is that correct, how I'm  
5 referring to it?

6 A. It's actually replacement process, but  
7 yes, that's fine.

8 Q. I believe you said you no longer  
9 oversee that.

10 A. That's correct.

11 Q. Let's talk about when you did oversee  
12 it.

13 A. Okay.

14 Q. What did that entail?

15 A. If a manager was interested in  
16 replacing someone who was out on disability for a  
17 protracted period of time, then they would need --  
18 be required to complete a replacement request form.

19 Once they completed the replacement request  
20 form, they would need to submit that to employee  
21 relations, either directly through the employee  
22 relations specialist or -- or to me. Generally the  
23 former, not the latter.

24 Once that happened, we would review -- we,  
25 being the employee relations specialist and I,

1 would typically review that, and then we would make  
2 a decision as to whether or not we were going to  
3 approve it.

4 Assuming that we did, we would then send out  
5 a letter to the employee along with a copy of the  
6 work -- the assessment form to be provided to the  
7 doctor just in case the employee was eligible to  
8 return to work with -- with or without  
9 accommodation.

10 If the employee did not return that  
11 information within the time frame or subsequently  
12 picked up the call -- picked up the phone and  
13 called and said, "I'm not going to be able to  
14 return to work," then at that point, we would  
15 simply allow the line of business to go ahead and  
16 replace the position.

17 Q. What is a line of business?

18 A. That's the manager.

19 Q. You testified that this is required for  
20 managers to complete the form?

21 A. That's correct.

22 Q. So it must be completed for all  
23 employees that a manager's seeking to replace?

24 A. Yes, that's the process.

25 Q. Is there any circumstance under which a

1 manager would not have to complete the replacement  
2 form paperwork in order to have an employee  
3 replaced?

4 A. No, that's -- that's not part of the  
5 process, so not -- not that I'm aware of, no.

6 I should say wasn't a part of the process.

7 Q. When you receive the completed forms,  
8 after the decision is made to replace the employee  
9 or to not replace the employee, what happens to  
10 those forms?

11 A. They're typically filed.

12 Q. Where?

13 A. When I was doing it, I had a file -- a  
14 replacement file, and I would put the forms in  
15 that.

16 Q. When you were doing it, did you store  
17 those files in your office?

18 A. Yes.

19 Q. For the older forms, would you send  
20 them to the warehouse?

21 A. Yes.

22 Q. You mentioned you're no longer  
23 overseeing the replacement process.

24 A. That's correct.

25 Q. When did you stop?

1           A. I do not.

2           Q. I'll direct your attention to the first  
3 page, ending in Bates number 1810 --

4           A. Okay.

5           Q. -- in the middle of the box where it  
6 says Replacement Rationale.

7           While you were overseeing the replacement  
8 process, who would be required to complete that  
9 section of the form?

10          A. The manager who was seeking to replace  
11 the employee.

12          Q. Is this form something that would be  
13 filled out electronically or by hand?

14          A. Actually, we receive them in both  
15 formats.

16          Q. Directing your attention to the bottom  
17 of the page.

18          A. Okay.

19          Q. On the left, it says Coverage Method  
20 Employed. Do you see that?

21          A. Yes.

22          Q. To the right of that, it says  
23 Description; to the right of that, it says  
24 Duration; and to the right of that, it says  
25 Outcome. Do you see that?

1 A. Yes.

2 Q. Who do you require to complete this  
3 section of the form?

4 A. The manager requesting the replacement.

5 Q. With respect to the coverage methods,  
6 what is cross-training resource sharing?

7 A. Cross-training means getting other  
8 staff members and training them to do various  
9 responsibilities so that if someone leaves or if  
10 someone is not able to come in, that person can  
11 pick up the responsibilities.

12 Resource sharing is slightly different in  
13 that you may have multiple departments who  
14 basically share employees, so they help out when  
15 there, you know -- there's high-volume times.

16 Q. And then with respect to the column  
17 titled Duration, is that where you would input how  
18 long that particular coverage method was employed?

19 A. That's correct.

20 Q. With respect to the column titled  
21 Outcome, what would the hiring manager be required  
22 to fill in in that section?

23 A. They just need to let us know  
24 specifically, if you've been using that particular  
25 method for X period of time, why is it now that you

1 want to replace the employee.

2 So what's the outcome that has resulted in  
3 your needing to replace the position.

4 Q. Let me direct your attention to the  
5 third line under Coverage Method Employed where it  
6 says Temporary/Contract Employee. Do you see that?

7 A. Yes.

8 Q. Does M&T Bank utilize temporary and/or  
9 contract employees to cover the absence of an  
10 employee while he or she is on leave?

11 A. Sometimes, yes.

12 Q. Does a hiring manager have to get  
13 permission from someone above his or her title to  
14 employ temporary and/or contract employees to cover  
15 an absent employee?

16 A. I don't know how the process works,  
17 frankly.

18 Q. So is it fair to say that you would not  
19 be involved in approving a coverage method?

20 A. That's correct.

21 Q. Direct your attention to the second  
22 page, first line. It states:

23 Should the above referenced employee be  
24 released to return to work prior to the completion  
25 of the replacement process, the employee will be

1 returned to his or her original position.

2 Can you explain what that means?

3 A. Absolutely. So once the manager  
4 completed the request form, obviously we would give  
5 the -- we would then start the recruitment process.

6 If the position was not replaced by the time  
7 we received something from the employee saying,  
8 "Hey, wait, I'm able to come back to work" -- if we  
9 receive something before they're replaced, then we  
10 would not allow them to replace, but we would  
11 simply allow the employee to go back to their  
12 original position.

13 Q. When you were overseeing the  
14 replacement process, how much time was afforded an  
15 employee who was out on leave to return to work  
16 before this process was employed?

17 A. Well, we would not allow managers to  
18 replace before 16 weeks, so the standard 12 weeks,  
19 and then we gave them a four-week cushion.

20 Q. I believe you testified earlier there  
21 was a letter that you would send out to the  
22 employee to determine whether or not they could  
23 return to work with or without restrictions?

24 A. That's correct.

25 Q. Now, in that letter that would be sent

1           A.    No.

2           Q.    This is separate and apart?

3           A.    Hold on. I'm trying to go through the  
4 process again in my mind. I'm just reading this  
5 again.

6           Should the employee be medically released  
7 return to work after the replacement process has  
8 been completed, we will begin the interactive  
9 process to identify an alternate M&T Bank position.

10          Okay. So again, in that particular  
11 instance, if there was a position that was  
12 available -- so there's two things that would  
13 typically happen. One is that the HR -- the  
14 employee relations specialist would canvass the  
15 manager, because they were very close to the  
16 managers, to find out if there was another position  
17 available.

18          The secondary piece of that would be talent  
19 acquisition, so there's open reqs or an open req  
20 report. If we were to note that there was  
21 something on the open req report, we would reach  
22 out to the -- to the recruiter and let them know  
23 that we have someone who might be ideally suited  
24 for that particular position, and then we would go  
25 through the process of trying to identify whether

1 or not that person would be suited or be able to be  
2 placed in that role.

3 Q. Is the talent acquisition -- working  
4 with talent acquisition to identify open -- or  
5 vacant positions -- is that part of the  
6 redeployment process?

7 A. The answer to that is maybe, and I  
8 realize that that's an ambiguous answer, but -- so  
9 here's the thing:

10 When you say the -- everything -- any time  
11 we try to find a position for the employee, I deem  
12 that to be redeployment. The redeployment process  
13 as it relates to Career Partners International is  
14 still the redeployment process, but that is  
15 separate, and that comes later. That's before this  
16 actually takes place.

17 So it was actually a two-pronged process.  
18 So if the person is released within the first 90  
19 days, then one of the things we would ask the  
20 managers to do is let us know what position, if  
21 any, you would place that person in, and if there  
22 is something listed here and the person is released  
23 within 90 days after the position has been  
24 replaced, then we would go back to the manager and  
25 suggest to them that they need to place the

1 employee in one of those positions, assuming that  
2 they're still available.

3 So that's the first part of the process, and  
4 that also includes the canvassing piece. Sometimes  
5 there's a position; sometimes there isn't. If  
6 there isn't a position that's readily available,  
7 that's when we start canvassing and we start asking  
8 managers what's available.

9 Very often those positions are posted, and  
10 if and when those positions are posted, that's when  
11 we go back to talent acquisition and we're like,  
12 "Look, we've got someone that we're going to be  
13 placing in that position" or "we need to place in  
14 that position."

15 Q. And just to be clear, when you say we  
16 would go to talent acquisition, you're referring to  
17 employee --

18 A. Employee relations, yes.

19 Q. What do you mean when you say place an  
20 employee in one of the positions identified by the  
21 manager?

22 A. That means that they are simply slotted  
23 into the role. They do not have to interview for  
24 the position. We simply place them in the  
25 position.

1           Q.     So the positions that are identified --  
2     I'm going to direct your attention back to  
3     Exhibit 2 ending in Bates number 1811.

4           A.     Yes.

5           Q.     Are those the positions that the  
6     manager would list in the section titled Other  
7     Available Divisional/Departmental Positions?

8           A.     That is correct.

9           Q.     Underneath that title, it says:  
10         Positions must be similar in scope of  
11     responsibilities and compensation.

12         Do you see that?

13         A.     That -- that is correct.

14         Q.     What does it mean to be similar in  
15     scope of responsibilities?

16         A.     So if you have a salesperson, we want  
17     to make sure that the position is comparable in  
18     that there's a sales component of it.

19         If you have someone who's in an  
20     administrative role, particularly an entry-level  
21     administrative role, we want to make sure that  
22     you're not trying to slot them into a sales  
23     position that -- where they might not be ideally  
24     suited.

25         So we're talking about similar

1 responsibilities, similar duties, similar type of  
2 role, and we certainly don't want to impact their  
3 compensation if there's any way possible, so we  
4 want to keep them whole whenever we can.

5 Q. Were there circumstances under which  
6 perhaps there was not an available position at the  
7 job grade, so that employee was placed into a  
8 position at a lower job grade?

9 A. Yes, there are -- there are  
10 circumstances in which that might have happened.

11 Q. What do you mean when you say a  
12 position is readily available?

13 A. Did I say that?

14 Q. So I'll clarify.

15 You testified that if -- if no positions  
16 were available -- were readily available, you would  
17 then move to talent acquisition to work with them  
18 to see if there were any positions.

19 A. Yes, and -- and that simply would mean  
20 if the position was open. Very often managers have  
21 positions that they are about to post, have not  
22 necessarily gotten approval to post yet, but they  
23 will be in short order.

24 So we always need to understand whether or  
25 not those positions are -- whether they have

1 A. That's correct.

2 Q. So is it fair to say that this  
3 redeployment assistance flyer is no longer used  
4 within the bank?

5 A. That's correct.

6 Q. Is there a workforce restructuring  
7 flyer that has replaced it?

8 A. No.

9 Q. How are employees notified of the  
10 benefits afforded them through the workforce  
11 restructuring process?

12 A. At the time that they're notified that  
13 their position is going to be impacted, we provide  
14 them with their severance documents, and in  
15 addition to their severance documents, we also  
16 provide them with the outplacement information.

17 Q. When you say the outplacement  
18 information, do you mean information related to the  
19 vendor that's used?

20 A. That's correct.

21 Q. I want to direct your attention to the  
22 bottom of the first page ending in Bates number  
23 1770.

24 A. Okay.

25 Q. The second to last bullet. It states:

1 Perform -- under -- under the title Eligibility  
2 Requirements, second to last bullet states:  
3           Performance rating of at least a 3 for  
4 non-officers or successful performance for officers  
5 prior to the first day of leave.

6           Is this a requirement that M&T currently  
7 employees under the workforce restructure process?

8           MS. GRAUMLICH: Objection to relevance. You  
9 may answer.

10          THE WITNESS: No.

11          BY MS. CHUKWU:

12          Q. Under the redeployment assistance  
13 process, what did this particular requirement mean  
14 as it relates to that employee?

15          A. It meant that they were a successful  
16 performer, so there were no performance issues  
17 noted in their most recent performance appraisal.

18          Q. Are performance appraisals the same as  
19 job evaluations?

20          A. Yes, actually, they are.

21          Q. How often are performance appraisals  
22 conducted for employees?

23          A. Annually.

24          Q. So with respect to the redeployment  
25 assistance process, how would M&T Bank know whether

1           Q. Second bullet under Notable  
2 Redeployment Assistance Facts. It states:

3           It is the responsibility of the replaced  
4 employee to actively seek opportunities  
5 commensurate with his or her current skill set,  
6 salary requirement, and preferred work schedule.

7           Do you see that?

8           A. Yes, I do. Yes, I do.

9           Q. How does that differ -- how is that  
10 different than the replacement request form ending  
11 on page Bates number 1811, which states that, first  
12 sentence of the second paragraph, should the  
13 employee be medically released return to work after  
14 the replacement process has been completed, we will  
15 begin the interactive process to identify an  
16 alternate M&T Bank position?

17          A. Okay.

18          MS. GRAUMLICH: Objection to form. Go  
19 ahead.

20          THE WITNESS: So if we look at this in  
21 the -- this process in the form of three buckets,  
22 the first bucket being before the position is  
23 replaced, the second bucket being up to 90 days,  
24 and then the third bucket being 91 days and going  
25 forward, this first paragraph that you're talking

1 about on the replacement request form is  
2 referencing what we would do during that first  
3 90-day period.

4 So if the position was replaced and the  
5 person came back within 90 days, we would find them  
6 something, and we would attempt to place them  
7 within a position.

8 If the person came back after 90 days, then  
9 the person would have the responsibility of trying  
10 to go out and actively try to work with the vendor  
11 that we've hired as well as with our talent  
12 acquisition team to identify a position.

13 And so the difference really is we do  
14 everything we possibly can to place the employee if  
15 they come back within the first 90 days, but after  
16 that fact, we have them work with the vendor.

17 BY MS. CHUKWU:

18 Q. Was Ms. McCollin replaced before the 90  
19 days?

20 A. It's -- I -- I don't know. I believe  
21 so, but I don't know the answer to that.

22 Q. So with respect to the redeployment  
23 process, this is referring to the third bucket, as  
24 you described, where the employee did not return to  
25 work within the 90 days and now is seeking

1 opportunities commensurate with his or her skill  
2 set, salary requirement, and preferable work  
3 schedule; is that correct?

4 A. That is correct.

5 Q. I believe you testified that you  
6 considered the redeployment process to be all of  
7 these -- strike that.

8 MS. GRAUMLICH: Why don't we take a break.

9 (A recess was then taken.)

10 BY MS. CHUKWU:

11 Q. Back on the record.

12 Okay. So I was trying to clarify the -- I  
13 believe the term you used was the three buckets as  
14 it relates to an employee returning to work and  
15 seeking to be placed.

16 A. Yes.

17 Q. And so with respect to the redeployment  
18 process, I believe you testified that a  
19 redeployment process would be considered part of  
20 the third bucket where the employee has not  
21 returned to work within the 90 days afforded him or  
22 her.

23 A. That's correct.

24 Q. And I believe -- well, my  
25 understanding -- correct me if I'm wrong -- is that

1 with respect to the first and second bucket,  
2 employee relations -- well, in your role as the  
3 corporate manager, you would work with employee  
4 relations to find a position for the employee to be  
5 placed in if he or she can return to work within  
6 the 90 days.

7 A. That's correct.

8 Q. And when we talk about within the 90  
9 days, are we talking about from the date that  
10 they're notified that they need to return to work  
11 or their position would be replaced?

12 A. No, it's 90 days from the date that the  
13 manager executes the document.

14 Q. Execute means to complete and submit?

15 A. To -- yes, complete, submit, and sign  
16 the document. Actually, complete, sign, and  
17 submit.

18 Q. And I believe you testified that you  
19 don't know whether a replacement form was ever  
20 submitted in connection with replacing  
21 Ms. McCollin's job; is that correct?

22 A. That's correct. That's -- the process  
23 is there should have been a replacement form that  
24 was filled out, but I don't know whether one ever  
25 was.

1 requisition report, does it reflect positions that  
2 hiring managers are looking to fill?

3 A. Yes.

4 Q. Those positions that the -- the hiring  
5 managers are looking to fill as they are listed in  
6 the requisition reports, are they posted?

7 A. I would presume so, but again, I'm --  
8 I'm not sure how they do it.

9 Q. Is a requisition report -- is that area  
10 more of like territory of talent acquisition?

11 A. Yes.

12 Q. Does M&T Bank, to your knowledge,  
13 prioritize applications it receives depending on  
14 the status of the applicants, whether it's an  
15 internal employee, an external candidate?

16 A. As I understand it, they do, but I  
17 don't really understand the nuances of it or how  
18 they prioritize it, but I know that there's a, for  
19 lack of a better term, pecking order.

20 Q. Do you have any understanding of who  
21 would be at the top of that pecking order?

22 A. No.

23 Q. Do you know whether workforce  
24 restructure employees are prioritized?

25 A. They are given preferred consideration

1 for positions, yes.

2 Q. What does that mean?

3 A. Preferred consideration means that they  
4 would -- if they meet the minimum qualifications of  
5 the position, that they would be afforded an  
6 interview.

7 Q. With whom?

8 A. Either the hiring manager or HR,  
9 depending on the circumstances.

10 Q. What are the different circumstances?

11 A. Well, that's really in the wheelhouse  
12 of our -- our friends in talent acquisition.

13 Q. Have you known of any workforce  
14 restructure employees who have been interviewed  
15 with hiring managers before HR?

16 MS. GRAUMLICH: Objection to form.

17 THE WITNESS: Yes, I don't really know what  
18 order -- in what order it happens, but I do know  
19 that some of my folks who have been workforce  
20 restructured have received interviews from both  
21 managers and HR folks.

22 But in terms of what order, I can't speak to  
23 that.

24 BY MS. CHUKWU:

25 Q. Have you known of any employees subject

1 workforce restructure designation in Taleo to  
2 ensure that she receives preferred consideration  
3 for positions where she meets minimum  
4 qualifications. She should be afforded this  
5 consideration for the next 90 days.

6 Does this refresh your recollection as to  
7 the designation that Ms. McCollin received?

8 A. Yes.

9 Q. Do you know whether Ms. McCollin was  
10 ever offered a severance in connection had with her  
11 termination?

12 A. Not that I'm aware of, no.

13 Q. With respect to the redeployment  
14 process while it was in existence, did you have the  
15 ability to extend the period under which an  
16 employee would be eligible to receive the  
17 outsourced vendor assistance?

18 A. I do.

19 Q. Did you afford Ms. McCollin additional  
20 redeployment assistance in connection with her job  
21 search?

22 A. Not that I'm aware of.

23 Q. What, if anything, did you do to ensure  
24 that Ms. McCollin was given preferred consideration  
25 in connection with her job search?

1           A. I sent an email to Sue Caradonna so  
2 that Sue could designate her as, quote, unquote,  
3 workforce restructure in the system.

4           The reason she's designated as workforce  
5 restructure and not redeployment is because the  
6 system has limitations, and so we had to put them  
7 under the same -- workforce restructure and the  
8 people who were being redeployed under the same  
9 designation.

10         Having said that, Sue would then enter it  
11 into the system so that whenever the recruiter saw  
12 that particular symbol associated with an employee  
13 pop up on a req, they knew that that person was to  
14 be given an interview or offered an interview.

15         The other piece of that is that as it  
16 relates to Patty, when someone is released to  
17 return to work, we needed to have a designation for  
18 them as well, and so we couldn't make them active,  
19 because technically they were not actively at work.

20         So we have a leave reason of leave of  
21 absence, but then -- I'm sorry -- yes, and then a  
22 descriptor on a secondary page that is replaced  
23 while on leave, and so that's a placeholder so that  
24 the -- the recruiter understands that for at least  
25 the first 30 days, this particular person is not

1   absolutely.

2           Q.   Why would there -- why would it not  
3   have made sense to do that?

4           A.   Again, that's the -- the call of the  
5   recruiter. So again, the recruiter is the one who  
6   needs to make the call in terms of whether or not  
7   they feel that person meets the minimum  
8   qualifications and whether or not that person  
9   should immediately be directed to the line manager.

10          I just need to make sure that they get the  
11   interview and that they're getting the attention  
12   that they deserve.

13          Q.   So if a recruiter determined that  
14   Ms. McCollin met the minimum qualifications, then  
15   you would have expected that she be put in front of  
16   a hiring manager?

17          A.   Yes, if a recruiter deemed her to be  
18   the best qualified, absolutely.

19          Q.   Well, a moment ago you testified if  
20   they meet the minimum qualifications. Is your  
21   testimony that the discretion was the recruiter's  
22   with respect to if she met -- the applicant met  
23   the -- was the best qualified? Strike that.

24          My question is: Was it your intention to  
25   communicate that Ms. McCollin should be interviewed

1 by hiring managers where she met the minimum  
2 qualifications?

3 MS. GRAUMLICH: Objection to form.

4 THE WITNESS: Do I still answer that?

5 BY MS. CHUKWU:

6 Q. Yes.

7 MS. GRAUMLICH: Yes, you can.

8 THE WITNESS: All right. Was it -- I'm  
9 sorry, I need you to repeat that again.

10 (The record was read as requested.)

11 THE WITNESS: Not -- not -- no. No, not  
12 necessarily. I want her to have an interview or  
13 any of these employees to have an interview if they  
14 meet the minimum qualifications.

15 Whether that interview take place with the  
16 recruiter or whether it take place with the  
17 manager, that's really their call, but I -- but I  
18 want them to have at least some interview, because  
19 if they meet the minimum qualifications and they  
20 meet with a recruiter, then they then have the  
21 opportunity, after working with Career Partners, to  
22 present their skill set.

23 The other thing that's important about them  
24 meeting with the recruiter is that even though the  
25 employee -- or the -- the person who's been

1 replaced might have an interest in position A, they  
2 may have transferrable skills that they don't  
3 realize for position B. So it's really important  
4 that they meet with the HR person so that they can  
5 discern where they best meet and for what positions  
6 they're best suited.

7 But from my perspective, I just needed to  
8 make sure that they got an interview and that  
9 they -- someone saw them.

10 BY MS. CHUKWU:

11 Q. When you say HR would determine whether  
12 they're suited, you're talking about --

13 A. Talent acquisition, I'm sorry.

14 Q. Okay. You're fine.

15 A. I keep doing that.

16 Q. Do you know if anyone within talent  
17 acquisition was working with Ms. McCollin as it  
18 relates to her skill set and finding positions that  
19 were best suited for her?

20 A. I do not know that. I know that there  
21 were a number of recruiters that I -- for a  
22 position -- a number of positions for which she  
23 applied that had multiple recruiters, and I reached  
24 out to those recruiters directly to have -- to make  
25 sure that she got an interview.